

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|-------------------------|---|-------------------------------|
| AIMEE SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:06cv27-CSC |
| |) | |
| KENTUCKY FRIED CHICKEN, |) | |
| |) | |
| Defendant. |) | |

ORDER

Now pending before the court is the defendant's motion to stay, or in the alternative, motion to stay proceedings and compel arbitration (doc. # 6). The defendant contends that the plaintiff is bound by an arbitration agreement. The plaintiff denies that the signature on the arbitration agreement is hers.

The court held an evidentiary hearing on June 5, 2006.¹ At the conclusion of the evidentiary hearing, in open court, the court found that the plaintiff had signed the arbitration agreement and ordered arbitration in accordance with agreement. The court will now confirm this in writing. Accordingly, for the reasons as stated in open court, it is

ORDERED and ADJUDGED as follows:

1. That the defendant's motion to dismiss (doc. # 6) be and is hereby DENIED.

¹ Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

2. That the defendant's motion to compel arbitration (doc. # 6) be and is hereby GRANTED. The parties shall submit to arbitration in accordance with the provisions of the arbitration agreement.

2. That this case be and is hereby STAYED until further order of the court.

3. That the defendant is DIRECTED to file a written status report on or before September 2, 2006, and every sixty (60) days thereafter, apprising the court of the status of the arbitration proceeding.

Done this 7th day of June, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE